

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

JOSEPH L. DIEBOLD, JR., on behalf of the
EXXONMOBIL SAVINGS PLAN, and PAUL J.
HUNDT, on behalf of the TEXAS
INSTRUMENTS 401(K) SAVINGS PLAN, and
all others similarly situated,

CIVIL ACTION NO. 09-Civ-1934

Hon. William J. Hibbler

Plaintiffs,

v.

NORTHERN TRUST INVESTMENTS, N.A.,
and THE NORTHERN TRUST COMPANY,

Defendants.

STIPULATION TO AMENDED COMPLAINT

WHEREAS, Plaintiff filed an original complaint on March 30, 2009;

WHEREAS, this case was originally assigned to the Honorable George W. Lindberg;

WHEREAS, Plaintiff filed an amended complaint on April 1, 2009, to correct an error in
the caption of the original complaint;

WHEREAS, Plaintiff moved to reassign this case to this Court on the grounds that the
case was related to *BP Corp. N.A. Inc. Savings Plan Investment Oversight Committee v.*
Northern Trust Investments, N.A., 08-cv-6029;

WHEREAS, Defendants moved to dismiss Plaintiff's complaint on June 1, 2009;

WHEREAS, the Court reassigned this case to its docket on June 16, 2009 before the
parties completed briefing on Defendants' motion to dismiss;

WHEREAS, there have been no further proceedings in this case since the Court
reassigned the matter to its docket;

WHEREAS, Plaintiff represents that he wishes to include more fact allegations in his
complaint and seeks to add an additional putative class representative;

WHEREAS, Defendants have agreed not to oppose Plaintiff's leave to file an amended complaint; and

WHEREAS, Defendants have requested and Plaintiff has agreed that Defendants' answer or responsive pleading shall be served no later than February 16, 2010.

WHEREFORE, the parties request that the Court enter an order granting Plaintiff's request to file the amended complaint attached hereto as Exhibit 1 and providing that Defendants' answer or responsive pleading shall be served no later than February 16, 2010.

Respectfully submitted,

BAILEY & GLASSER LLP

Dated: December 3, 2009

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing "**Stipulation to Amended Complaint**" was served upon counsel of record as listed below via the Court's electronic filing system on this the 3rd day of December, 2009:

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